

CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

PUBLIC MEETING MINUTES:	BOARD OF FUNERAL SERVICES
MEETING DATE AND TIME:	Tuesday, September 29, 2010, 10:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building
MINUTES APPROVED:	October 27, 2010

MEMBERS PRESENT

Marceline Knox, Public Member, Secretary
Robert O. Wright, Professional Member
Chad Chandler, Professional Member
M.C. Byrd, Public Member
Danna Levy, Public Member (entered meeting at 10:03 a.m.)

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Danny Stevenson, Deputy Attorney General
Eileen Heeney, Deputy Attorney General
Michele Urbaniak, Administrative Specialist II

MEMBERS ABSENT

Harry Fletcher, Professional Member, President
William Torbert, Professional Member

OTHERS PRESENT

Thomas Melvin, Melvin Funeral Home
Crystal Johnson
Gerald Durkin
Mary Ressler

CALL TO ORDER

Ms. Knox called the meeting to order at 10:01 a.m.

REVIEW OF MINUTES

The Board reviewed the minutes of the August 24, 2010 meeting. Mr. Chandler made a motion, seconded by Ms. Byrd, to approve the August minutes. The motion was unanimously carried. Ms. Knox moved ahead on the agenda to Unfinished Business, and came back to the hearing at 10:15 a.m.

HEARING

THOMAS TRADER, 10:15 a.m.

PRESENT: Marceline Knox, Robert Wright, Chad Chandler, MC Byrd, Danna Levy

PURPOSE: Disciplinary Hearing for Complaint # 27-05-08

PRESIDING: Marceline Knox, Secretary

BOARD STAFF: Michele Urbaniak, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Danny Stevenson, Esq.

RESPONDENT: Thomas Trader

COUNSEL FOR THE RESPONDENT: Mike McDermott, Esq.

COUNSEL FOR THE STATE: Barbara Gadbois, Esq.

WITNESSES FOR THE STATE: Geraldee Durkin, Mary Ressler

WITNESSES FOR THE RESPONDENT: Ross Trader

COURT REPORTER PRESENT: Allen S. Blank, Wilcox and Fetzer

The hearing began at 10:15 p.m. The court reporter took verbatim testimony. Mr. Stevenson introduced himself and stated the purpose of the hearing. Mr. Stevenson asked if there was a point of contact present. Ms. Urbaniak advised that the point of contact for this complaint was no longer on the Board. Mr. Wright asked for clarification. Ms. Urbaniak explained. The Board members, Ms. Gadbois, and Mr. McDermott introduced themselves. Ms. Gabois asked that State's Exhibit 1 be introduced into evidence. There being no objection by the Respondent, Mr. Stevenson distributed copies of State's Exhibit 1 to the Board. Ms. Gadbois made opening statements. Mr. McDermott waived his opening statement. The State called its first witness, Geraldee ("Gere") Durkin. Ms. Durkin was sworn in by the court reporter. Ms. Gadbois questioned Ms. Durkin. Ms. Durkin gave testimony. Mr. McDermott had no questions for Ms. Durkin. Mr. Stevenson asked the Board if they had questions. Mr. Wright questioned Ms. Gadbois about State's Exhibit 1. Ms. Gadbois responded. The Board questioned Ms. Durkin. Ms. Durkin responded. The State called their second witness, Mary Ressler. Mrs. Ressler was sworn in by the court reporter. Ms. Gadbois questioned Mrs. Ressler. Mrs. Ressler gave testimony. Mr. McDermott had no questions for Mrs. Ressler. The Board questioned Mrs. Ressler. Mrs. Ressler responded. There being no further questions from the Board, Ms. Gadbois asked additional questions of Mrs. Ressler. Mrs. Ressler gave testimony. The State rested. Mr. McDermott proposed to submit a written statement from the Respondent as Respondent's Exhibit 2. Ms. Gadbois objected to the submission of the statement. Mr. Stevenson asked the Board to vote on whether or not to accept Ms. Gadbois' objection. Ms. Knox addressed the Board. Ms. Byrd made a motion, seconded by Mr. Chandler, to sustain Ms. Gadbois' objection. The motion passed unanimously. Mr. McDermott asked for clarification from Mr. Stevenson. Mr. Stevenson confirmed that the Respondent's statement could not be submitted as evidence. Mr. McDermott called his first witness, Thomas Trader. Thomas Trader was sworn in by the court reporter. Mr. McDermott questioned Thomas Trader. Thomas Trader testified. Ms. Gadbois questioned Thomas Trader. Thomas Trader responded. Mr. McDermott had no further questions. The Board questioned Thomas Trader. Thomas Trader responded. Mr. Chandler made a statement to Thomas Trader. Mr. Stevenson advised Mr. Chandler to only

ask questions. The Board continued to question Thomas Trader. Ms. Gadbois again questioned Thomas Trader. Thomas Trader responded. Mr. McDermott called his 2nd witness, Ross Trader. Ross Trader was sworn in by the court reporter. Mr. McDermott questioned Ross Trader. Ross Trader gave testimony. Ms. Gadbois questioned Ross Trader. Ross Trader responded. The Board questioned Ross Trader. Ross Trader responded. The hearing recessed at 11:41 a.m. The hearing reconvened at 11:48 a.m. Mr. McDermott submitted a copy of the death certificate to Ms. Gadbois to be submitted as evidence. The State had no objection. The court reporter marked the death certificate as Respondent's Exhibit 1. Mr. McDermott submitted Respondent's Exhibit 1 to the Board. Mr. McDermott asked the Board to reconsider their earlier decision regarding submission of the Respondent's written statement into evidence. The State had no objection. The court reporter marked the statement as Respondent's Exhibit 2. Mr. McDermott distributed Respondent's Exhibit 2 to the Board. The Board reviewed the Respondent's exhibits. The court reporter excused himself at 11:52 a.m. while the Board was reading the exhibits, and reentered the meeting at 11:54 a.m. Mr. McDermott rested his case. With no objection from the State or the Respondent, the Board called Mrs. Ressler for additional testimony. The Board and Ms. Gadbois questioned Mrs. Ressler, and Mrs. Ressler responded. Ms. Gadbois gave a closing statement. Mr. McDermott gave a closing statement. Ms. Gadbois made an objection during Mr. McDermott's closing statement. Mr. Stevenson advised the Board regarding Ms. Gadbois' objection. Ms. Byrd made a motion, seconded by Mr. Chandler, to sustain Ms. Gadbois' objection. The motion passed unanimously. Mr. McDermott continued with his closing statement. Mr. McDermott asked that Mr. Trader be allowed to address the Board. Ms. Gadbois objected. Mr. Chandler made a motion, seconded by Ms. Levy, to sustain Ms. Gadbois' objection. The motion passed unanimously. The Board went off the record to deliberate at 12:22 p.m. The Board went back on the record at 12:58 p.m. Ms. Levy made a motion, seconded by Ms. Byrd, that the State met its burden of proof. Ms. Knox, Ms. Levy, and Ms. Byrd voted in favor of the motion. Mr. Chandler and Mr. Wright were opposed. Mr. Stevenson advised that the motion failed for lack of 4 affirmative votes. The hearing ended at 1:00 p.m.

UNFINISHED BUSINESS

Strategic Planning

Ms. Byrd made a motion, seconded by Mr. Chandler, to table the Strategic Plan until the next meeting. The motion passed unanimously.

Rules and Regulations

Ms. Urbaniak addressed Mr. Wright and Mr. Chandler regarding a date and time for a meeting of the Board's Legislative Subcommittee. Ms. Urbaniak will email proposed times and dates to the committee members for their consideration.

Update on State Funeral LRR Exam

Replace 2 Outdated Questions

Mr. Stevenson advised the Board that he has chosen 2 new questions for the State LRR exam. He will submit those questions to Ms. Urbaniak after the meeting.

Transition from Paper Testing to Computer-Based Testing

Ms. Urbaniak advised that the Board-approved computer-based testing will take effect after the 2 outdated exam questions are replaced.

NEW BUSINESS

Funeral Director by Reciprocity Application

Matthew J. Grieco (PA)

The application was reviewed by Mr. Chandler. Mr. Chandler made a motion, seconded by Ms. Byrd, to approve Mr. Grieco's application. The motion passed by a majority vote, with Mr. Wright opposed.

Approval of Licensure Ratification

None

Continuing Education Applications

Delaware Hospice, Inc. – *Expressions of Grief*, 10/29/10, Requesting 7.5 CE

Mr. Chandler reviewed the application and made a motion, seconded by Ms. Levy, to approve the course for 7.5 CE hours. Mr. Wright questioned whether the course could be taken in sections for partial CE credit. Ms. Urbaniak explained that the course could only be approved as submitted. The motion passed unanimously.

COMPLAINT STATUS

Ms. Knox gave the status of the following complaint:

27-04-10 – Assigned to Mr. Wright

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

Mr. Wright & Mr. Chandler questioned the process of passing new legislation. Mr. Stevenson and Ms. Urbaniak explained.

PUBLIC COMMENT

None

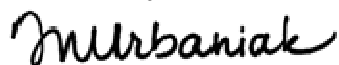
NEXT MEETING

The next meeting will be held on Wednesday, October 27, 2010, at 10:00 a.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business, Mr. Wright made a motion, seconded by Ms. Levy, to adjourn the meeting at 1:01 p.m. The motion was unanimously carried.

Respectfully submitted,



Michele Urbaniak
Administrative Specialist II